

# AUSTIN CITY COUNCIL AGENDA

THURSDAY, SEPTEMBER 29, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301  
WEST 2ND STREET, AUSTIN, TEXAS.



AUSTIN CITY CLERK  
POSTING DATE/TIME

05 SEP 23 PH 4:00

For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE  
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND  
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.  
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

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WILL WYNN, MAYOR ♦ DANNY THOMAS, MAYOR PRO TEM  
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN

**NOTICE OF REGULAR MEETING  
THURSDAY, SEPTEMBER 29, 2005**

9:55 A.M. Invocation..... 3

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ITEMS FROM COUNCIL ..... 9

Item(s) to Set Public Hearing(s) ..... 9

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL ..... 9

EXECUTIVE SESSION (No Public Discussion On These Items) ..... 9

Action on Executive Session ..... 9

2:00 PM BRIEFINGS ..... 9

3:00 P.M. BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION. The Mayor will recess the City Council meeting. A Board meeting of Austin Housing Finance Corporation (AHFC) will be conducted. The AHFC Board may go into a closed session on any item on the AHFC agenda under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, or for other reasons permitted by law as specifically listed on this agenda. Following adjournment of the AHFC Board meeting the City Council will re-convene. .... 9

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS..... 9

Zoning Ordinances / Restrictive Covenants ..... 9

Neighborhood Plans - Hearings and Approval ..... 9

Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants ..... 9

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS ..... 9

LIVE MUSIC..... 9

PROCLAMATIONS..... 9

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION ..... 9

    Austin Water Utility..... 9

    Public Works..... 9

Watershed Protection and Development Review ..... 9

**9:55 A.M. Invocation**

Pastor Vance Russell, Arise Christian Fellowship

**10:00 A.M. City Council Convenes**

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, SEPTEMBER 29, 2005, IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.**

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

**READING AND ACTION ON CONSENT AGENDA**

**ACTION ON THE FOLLOWING:**

**ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

**Meeting Minutes**

- 1. Approval of the minutes from the meetings of September 1 and 12, 2005.

**Austin Energy**

2. Approve issuance of a rebate in the amount of \$47,050 to EANES Independent School District, Austin TX, for the installation of high efficiency air conditioning equipment and variable frequency drives at Valley View Elementary located at 1201 South Capital of Texas Highway. (Funding in the amount of \$47,050 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission and the Electric Utility Commission.)
3. Approve issuance of a rebate in the amount of \$56,685 to DELL, INC., Austin, TX for the installation of a high efficiency lighting and air conditioning retrofit at 701 East Parmer Lane. (Funding in the amount of \$56,685 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission and the Electric Utility Commission.)
4. Approve issuance of a rebate in the amount of \$67,042 to FREESCALE SEMICONDUCTOR, Austin, TX, for the installation of a high efficiency lighting retrofit at their facility located at 6501 West William Cannon Boulevard. (Funding in the amount of \$67,042 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)

**Austin Water Utility**

5. Approve negotiation and execution of an Interlocal Agreement for Pretreatment Services establishing the Austin's Water Utility assistance to the City of Manor for performing pretreatment inspections, sampling, lab analyses, permitting, and enforcement support. (The City of Manor will pay the City for services rendered on a time and materials basis plus overhead.) (Recommended by the Water and Wastewater Commission.)
6. Authorize negotiation and execution of an amendment to the Agreement for Wholesale Wastewater Service to the City of Manor to extend the time period for interim wholesale wastewater service for the Lane Street Lift Station area. (Recommended by the Water and Wastewater Commission.)

7. Approve amendment to the West Howard Lane Interlocal Cooperation Agreement between the City and Travis County to pay for design changes on the relocation of Austin Water Utility water and wastewater lines for Scofield Ridge Parkway Improvements in an amount not to exceed \$105,819 for a total agreement amount not to exceed \$800,819. (Funding in the amount of \$105,819 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)

#### **Public Safety and Emergency Management**

8. Approve a resolution adopting the National Incident Management System (NIMS) as the standard for incident management for the City.

#### **Emergency Medical Services**

9. Authorize negotiation and execution of Renewal of and Amendment One to the Interlocal Cooperation Agreement with Travis County for emergency medical services in Travis County to renew the agreement through Fiscal Year 2005-2006 and amend the amount of fees payable to City and certain exhibits. (Funding from Travis County in the amount of \$9,158,522 was included in the Approved Fiscal Year 2005-2006 Operating Budget of the EMS Department.) (Related Item 10)
10. Authorize negotiation and execution of Renewal of and Amendment One to the Interlocal Cooperation Agreement with Travis County for STAR Flight air ambulance services to renew the agreement through Fiscal Year 2005-2006 and amend the amount of the monthly fee payable to City and certain exhibits. (Funding from Travis County in the amount of \$1,351,119 was included in the Approved Fiscal Year 2005-2006 Budget of the EMS Travis County Reimbursed Fund.) (Related Item 9)

#### **Financial and Administrative Services**

11. Authorize an amendment to the City Grant Agreement with the World Congress on Information Technology (WCIT) and acceptance of an assignment of U.S. Department of Housing and Urban Development grant funds from WCIT in the amount of \$248,000 for renovations to the Austin Convention Center. (Funding is available from the U.S. Department of Housing and Urban Development (HUD) Economic Development Initiative Special Project grant program for the WCIT Ethernet Backbone Project.)

**Law**

12. Authorize negotiation and execution of an outside counsel contract with TRAVIS WILLIAMSON & ASSOCIATES, Austin, Texas for legal services regarding Cause No. A-05-CA-287-SS; *Jessie Lee Owens, Jr., Deceased by Barbara Shorts, Mother and Representative of Estate and Jessie Lee Owens, Sr., Father v. City of Austin, Stan Knee as Chief of Police, Officer Scott Glasgow, In Their Official and Individual Capacities*, in the United States District Court, Western District, Austin Division (concerns alleged use of excessive force) (Funding in the amount of \$133,250.00 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 64)

**Neighborhood Housing and Community Development**

13. Approve the negotiation and execution of a loan to Mack McKinley dba The Common Interest Karaoke Bar, Austin, TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$75,000 to construct leasehold improvements and purchase fixtures necessary to outfit the business to be located at 8440 Burnet Road. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108.)
14. Approve the negotiation and execution of a twelve-month contract with the AUSTIN TENANT'S COUNCIL, Austin, Texas, in an amount not to exceed \$264,927 for tenant-landlord counseling, technical assistance and mediation assistance. (Funding is available in the Proposed Fiscal Year 2005-2006 Operating Budget of Neighborhood Housing and Community Development from Community Development Block Grant funds. Funding is subject to environmental review and fund release by the U.S. Department of Housing and Urban Development.)

15. Authorize the negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation in an amount not to exceed \$15,182,497 to manage and operate various City housing programs in Fiscal Year 2005-2006. (Funding sources for the service agreement include: (1) Grant Operating Budget-New Funding - \$1,143,229 from the Housing Trust Fund; \$37,824 from the City UNO-Housing Trust Fund; \$830,474 from the City S.M.A.R.T. Housing™ Capital Improvement Project Fund; \$2,654,684 from HUD HOME Program Income; \$806,259 from the HUD Community Development Block Grant revolving fund; \$2,472,433 from the HUD Community Development Block Grant; \$204,041 from the HUD American Dream Down Payment Initiative; and \$4,074,354 from the HUD HOME Investment Partnership Program, (2) Grant Operating Budget-Carryforward Funding - \$433,912 from the S.M.A.R.T. Housing™ Capital Improvement Project Fund; and \$1,154,534 from the HUD Community Development Block Grant, and (3) the AHFC Housing Assistance Fund - \$1,370,753. Funding is subject to HUD environmental review and fund release.) (Related Item AHFC-3)

#### **Neighborhood Planning and Zoning**

16. Approve a resolution consenting to the annexation of approximately 1.63 acres, located at 102 Skyline Drive, by Travis County Water Control and Improvement District 10 (WCID 10). (Recommended by Water and Wastewater Commission.)

#### **Parks and Recreation**

17. Authorize execution of change order # 2 to the construction contract with MAC INC. (DBE 66.95%), Austin , TX for additional labor and materials for Zilker Loop Trail Phase 1 in the amount of \$53,236, for a total contract amount not to exceed \$1,053,041.(Funding in the amount of \$53,236 is available in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.) 1.94 % DBE subcontractor participation to date.

Police

18. Approve an ordinance authorizing acceptance of \$155,545 in grant funding from the State of Texas, Office of the Governor, Criminal Justice Division, Title V Program; and amending the Fiscal Year 2004-2005 Operating Budget of the Police Department, Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$155,545 for the continued enforcement of juvenile Class C criminal offenses with case management for youth; and add three grant-funded full-time equivalent positions. (Grant funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, for the grant period of September 1, 2005 through August 31, 2006. A match of \$64,837 is required and will be met with existing salary cost and volunteer hours. The matching salary cost is included in the approved Fiscal Year 2005-2006 Operating Budget of the Police Department. Continued operation of this program is contingent upon available grant funding.)
19. Approve a resolution authorizing application for grant funding from the Governor's Office Criminal Justice Division in the amount of \$93,447 for the Austin Police Department, Forensic Science Division to receive training in forensic sample evidence. (Funding in the amount of is available in Fiscal Year 2005-2006 from the Governor's Office Criminal Justice Division.)

Public Works

20. Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek/Lower South Boggy Phase II Project, a portion of the Austin Clean Water Program, to acquire a 1,461 square foot permanent access easement out of the Santiago Del Valle Grant, being a portion of Lot 1, Boggy Creek Addition Amended, City of Austin, Travis County in the amount of \$300. The owner of the needed property interest is RIDGWAY-HENDRICKSON, INC., dba RIDGWAY, INC., of Austin, Texas. The property is located at 8201 Bluff Springs Road, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
21. Approve resolution to authorize negotiation and execution of the sale to the STATE OF TEXAS of a drainage easement of 0.071 acres of land in the Thomas Anderson Survey No. 17, Travis County, Texas and being a part of that 0.104 acre tract of land conveyed to the City by Deed recorded in Volume 9073, Page 740 of the Deed Records of Travis County, Texas, in an amount not to exceed \$6,012.90.

22. Approve resolution to authorize negotiation and execution of the sale to the STATE OF TEXAS of 0.613 acres of land, part of Lot 1A, Block A, a called 13.317 acre Lot, Tracor Industrial Subdivision Amended, recorded in Book 95, Pages 281-284, Plat Records of Travis County, Texas, and also being part of a called 2.276 acre tract, both being conveyed to the City and recorded in Document Number 2004083515 of the Official Public Records of Travis County, Texas, in an amount not to exceed \$97,200.
23. Approve a resolution authorizing the execution of a Multiple Use Agreement between the Texas Department of Transportation and the City of Austin regarding construction, maintenance and operation of the portion of the Lance Armstrong Bikeway within the IH-35 right-of-way near 4th Street. (Related Item 24)
24. Authorize the execution of an amendment to the Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the Lance Armstrong Bikeway and payment of an amount not to exceed \$63,211.13 to TxDOT for the construction of the portion of the Bikeway in the right-of-way of IH-35 near 4<sup>th</sup> Street. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.) (Related Item 23)
25. Authorize negotiation and execution of a professional services agreement with each of the following six firms: ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE/MA), Austin, TX; WAUGH ENGINEERING, INC. (WBE/FR), Austin, TX; DATUM ENGINEERS, INC., Austin, TX; CARRASQUILLO ASSOCIATES, LTD. (MBE/MH), Austin, TX; JOSE I. GUERRA, INC. (MBE/MH), Austin, TX; FRANK LAM & ASSOCIATES, INC. (MBE/MA), Austin, TX., for the structural engineering services rotation list 2005-2007 for various Capital Improvement Projects for an estimated period of two years or until financial authorization is expended in an amount not to exceed \$900,000, for the total of six agreements not to exceed \$900,000. (Funding in the amount of \$900,000 is available in Capital or Operating Budget of the Public Works Department and various departments requiring services.) Best qualification statement of eleven received. 16.5% MBE and 14.2% WBE subcontractor participation.
26. Authorize negotiation and execution of a professional services agreement with DAVID FORD CONSULTING ENGINEERS, INC., Sacramento, CA, for the Flood Early Warning System (FEWS) Evaluation and Improvements in an amount not to exceed \$160,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection and Development Review Department.) Best qualification statement of four received. 16.5% MBE and 14.2%WBE subconsultant participation.

27. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, a Nevada Corporation, Austin, TX, for engineering services for the East Runway Perimeter Road Project in the amount of \$200,000 for a total contract amount not to exceed \$300,000. (Funding in the amount of \$200,000 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Aviation Department and anticipated Federal Aviation Administration grant award.) 52.70% DBE subconsultant participation to date. (Recommended by the Austin Airport Advisory Commission.)
28. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, a Nevada Corporation, Austin, TX, for the completion of the Affected Property Assessment Report (APAR) required by the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program and final environmental consulting services for the Mabel Davis Park Landfill Site Assessment and Remediation Project in the amount of \$51,500 for a total contract amount not to exceed \$1,960,231.56. (Funding in the amount of \$51,500 is available in the Fiscal Year 2004-2005 Capital Budget of the Solid Waste Services Department.) 5% MBE and 13.9% WBE subcontractor participation to date. (Related Item 29)
29. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, a Nevada Corporation, Austin, TX, for completion of construction phase services and warranty assistance for the Mabel Davis Park Landfill Site Assessment and Remediation Project in the amount of \$150,000 for a total contract amount not to exceed \$1,311,860. (Funding in the amount of \$150,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Solid Waste Services Department.) 15% MBE and 6.3% WBE subcontractor participation to date. (Related Item 28)
30. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, L.P. (MBE/MH 72.32%), Austin, TX, for construction of the Boggy Creek Oak Springs Water Quality Pond in an amount not to exceed \$524,011.05. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of four responsive bids received. 0.00% MBE and 10.00% WBE subcontractor participation. (Recommended by the Environmental Board and by the Planning Commission.)
31. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., Austin, TX, (MBE/MH 37.64%), for Neighborhood Traffic Calming 2005 - Cherrywood Neighborhood in an amount not to exceed \$315,153.97. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) Only 1 responsive bid received. 7.04% MBE and 6.89% WBE subcontractor participation.

32. Authorize execution of a construction contract with MAC, INC. (MBE 84.34%), Austin, TX, for the 2005 Downtown Alley Reconstruction in an amount not to exceed \$247,530. (Funding in the amount of \$202,530 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department and funding in the amount of \$45,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two bids received. 0% MBE and 7.59% WBE subcontractor participation.
33. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Austin Clean Water Program: Govalle 3 - Wickshire Lane/Burleson Court, Phase 2 in an amount not to exceed \$553,143. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 15.48% MBE and 6.36% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
34. Authorize execution of a construction contract with CENTRAL TEXAS UTILITY SERVICES, LLC, (MBE/FH 91.10%), Del Valle, TX for the Austin Clean Water Program: Little Walnut- Rockhurst Lane Wastewater Improvements Project in an amount not to exceed \$348,519.38. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest of two bids received. 1.8% MBE and 7.1% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
35. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC., (WBE/FR 90.66%), Dripping Springs, TX for the Austin Clean Water Program: Little Walnut - Meadowood Drive Wastewater Improvements Project in an amount not to exceed \$378,126. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest of three bids received. 4.71% MBE and 4.63% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
36. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Austin Clean Water Program: Lower South Boggy Creek Streambank Stabilization- Phase II project in an amount not to exceed \$220,421. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lower of two bids received. 5.66% MBE and 26.55% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

37. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION CO., LTD., for the Austin Clean Water Program: P2-Williamson Wastewater Improvements Project in the amount of \$2,465,097.75 plus a \$123,254.89 contingency, for a total contract amount not to exceed \$2,588,352.64. (Funding in the amount of \$2,588,352.64 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Second lowest bid of five bids received. 20.51% MBE and 6.12% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
38. Authorize removal of curb islands from Shoal Creek Boulevard between 38<sup>th</sup> Street and Foster Lane and approve striping of Shoal Creek Boulevard with car-free bicycle lanes on both sides and designated parking on the east side of the street. (Funding in the amount of \$236,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department.) (Recommended by Land Use and Transportation Subcommittee.)

### Purchasing

39. Authorize execution of a 12-month revenue producing service agreement with SOLOMON CORPORATION, Solomon, KS for sale and disposal of obsolete transformers in an amount not to exceed \$180,876.15, with three 12-month extension options in an amount not to exceed \$180,876.15 per extension option, for a total agreement amount not to exceed \$723,504.60. High bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
40. Authorize execution of Amendment No. 2 to a contract with HUGHES SUPPLY, Austin, TX for backfill polyurethane foam in the amount not to exceed \$47,328, for a revised contract amount not to exceed \$85,956 and to each of the two extension options in an amount not to exceed \$47,328, for a revised total contract amount not to exceed \$240,932. (Funding in the amount of \$47,328 is available in the Fiscal Year 2005-2006 Approved Operating Budget (Inventory Fund) of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

41. Authorize negotiation and execution of a 12-month service agreement with NORTHROP GRUMMAN TECHNICAL SERVICES, INC., Herndon, VA through the State of Texas Department of Information Services Go Direct program for the purchase of business continuity services including equipment, software, software maintenance and disaster recovery services in an amount not to exceed \$122,523, with three 12-month extension options in an amount not to exceed \$122,523 per extension option, for a total agreement amount not to exceed \$490,092. (Funding in the amount of \$122,523 is included in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Purchasing Cooperative.
  
42. Authorize negotiation and execution of a 12-month service agreement with CREATIVE CONSUMER RESEARCH, Austin, TX for marketing research service studies in an amount not to exceed \$300,000, with four 12-month extension options in an amount not to exceed \$300,000 per extension options, for a total agreement amount not to exceed \$1,500,000. (Funding in the amount of \$300,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of eight proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
  
43. Authorize negotiation and execution of a 12-month service agreement with GE ENERGY MANAGEMENT SERVICES, INC., Denver, CO for software maintenance and support for Austin Energy in an amount not to exceed \$208,701, with four 12-month extension options in an amount not to exceed \$229,571 for the first extension option, \$252,528 for the second extension option, \$277,780 for the third extension option and \$305,559 for the fourth extension option, for a total agreement amount not to exceed \$1,274,139. (Funding in the amount of \$208,701 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

44. Authorize negotiation and execution of a 12-month service agreement with WORKSUITE, LLC, Houston, TX for software maintenance and support for Austin Energy in an amount not to exceed \$114,092, with four 12-month extension options in an amount not to exceed \$125,501 for the first extension option, \$138,051 for the second extension option, \$151,856 for the third extension option, \$167,042 for the fourth extension option, for a total agreement amount not to exceed \$696,542. (Funding in the amount of \$114,092 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
45. Authorize execution of a 12-month supply agreement with SHERWIN WILLIAMS COMPANY, Austin, TX for airfield traffic marking paint in an amount not to exceed \$47,811, with two 12-month extension options in an amount not to exceed \$47,811 per extension option, for a total agreement amount not to exceed \$143,433. (Funding in the amount of \$47,811 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Department of Aviation. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
46. Authorize negotiation and execution of a contract with DATAWORKS PLUS, Greenville, SC for the supply, installation, and implementation of a Digital Management System (DMS) for the Austin Police Department Forensics Lab in an amount not to exceed \$50,000, with four extension options to purchase maintenance support in an amount not to exceed \$5,600 per extension option, for a total contract amount not to exceed \$72,400. (Funding in the amount of \$30,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Communications and Technology Management Department. Funding in the amount of \$20,000 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department. Funding for the extension options is contingent on available funding in future budgets.) Best proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

47. Authorize execution of a 12-month supply agreement with PERFORMANCE INDUSTRIAL POWER, Buda, TX for the purchase of original equipment manufacturer parts and services for medium and heavy duty diesel engines and transmissions in an amount not to exceed \$250,000, with three 12-month extension options in an amount not to exceed \$250,000 per extension option, for a total agreement amount not to exceed \$1,000,000. (Funding in the amount of \$250,000 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
48. Authorize execution of a contract with J G ARCO IRIS PAINTING CONTRACTORS, Austin, TX for roof repair and painting services in an amount not to exceed \$60,570. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services, Fleet Fund.) Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
49. Authorize execution of a 37-month supply agreement with SIRSIDYNIX, Provo, UT, for the purchase of self-check systems for the Library Department in an amount not to exceed \$285,976. (Funding in the amount of \$80,275 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Communications and Technology Management Department. Funding in the amount of \$32,110 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department. Funding for the remaining 36 months of the original contract period is contingent upon availability in future budgets.) Lowest bid meeting specification of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

50. Authorize execution of a 12-month service agreement with GINNY'S PRINTING, Austin, TX for flat sheet printing services in an amount not to exceed \$445,579, with three 12-month extension options in an amount not to exceed \$445,579 per extension option, for a total agreement amount not to exceed \$1,782,316. (Funding in the amount of \$445,579 is included in the 2005-2006 Approved Operating Budgets of all City Departments. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

#### **Watershed Protection and Development Review**

51. Approve an ordinance on second/third reading amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission voted for no change to the current code.) (Related Item 63)

#### **ITEMS FROM COUNCIL**

52. Board and Commission appointments, Council subcommittee appointments, and appointments to other governmental bodies.
53. Approve a motion to postpone the date of the African American Quality of Life Briefing from October 6th, 2005 to October 27th, 2005. (Mayor Pro Tem Danny Thomas and Mayor Will Wynn)
54. Approve an ordinance waiving certain fees and requirements, and authorizing payment of certain costs for the Lance Armstrong Celebration to be held on October 2, 2005 at Auditorium Shores. (Mayor Will Wynn and Council Member Brewster McCracken)
55. Approve a resolution directing the City Manager to process an amendment to the Transit Oriented Development Ordinance (Ordinance No. 20050519-008) to add a TOD district in the Oak Hill area, to be located in the general vicinity of the intersection of U.S. Highways 290 and 71. (Council Member Brewster McCracken, Council Member Lee Leffingwell and Council Member Betty Dunkerley)

56. Approve a resolution directing the City Manager to initiate the process of changing the City's water leak-related bill adjustment policy. (Council Member Brewster McCracken and Mayor Will Wynn)

**Item(s) to Set Public Hearing(s)**

57. Set a public hearing to approve an ordinance amending Section 15-6-14 of the City Code to expand the downtown contract service area and amend Ordinance No.20050912-04 in the Fiscal Year 2005-2006 Fee Schedule of the Solid Waste Services Department to increase the downtown contract service rates. (Suggested date and time: October 6, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.) (Reviewed by Solid Waste Advisory Commission.)
58. Set a public hearing to consider a floodplain variance requested by Mr. and Mrs. James Damman to allow construction of an addition to an existing single-family residence in the 100 year floodplain of Lake Austin at 2503 Tydings Cove (Suggested date and time: October 6, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.)
59. Set a public hearing to amend City Code Section 25-8-514 (Save Our Springs Initiative) to allow for the construction of a pollution prevention pond in the Critical Water Quality Zone (CWQZ) upstream of Barton Springs Pool. (Suggested date and time: October 20, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.) (Recommended by Parks and Recreation Board. Informational Presentation to Environmental Board.)

60. Set public hearings for the full purpose annexation of the following areas: (1) Wildhorse Shapiro Tract (Approximately 185 acres located in Travis County south of U.S. Highway 290 East at the intersection of U.S. Highway 290 East and the proposed State Highway 130); (2) Maynard Tract (Approximately 1.7 acres in southeastern Travis County north of Burleson Road approximately 970 feet east of the intersection of Burleson Road and U.S. Highway 183 South); (3) COA Parkland Areas: (a) Tract One: Johnny Morris Road (Approximately 195 acres in Travis County west of Johnny Morris Road approximately seven-tenths of a mile south of the intersection of Johnny Morris Road and U.S. Highway 290 East.); (b) Tract Two: Morrison Ranch (Approximately 321 acres in Travis County south of FM 969 approximately one-half mile east of the intersection of F.M. 969 and Decker Lane.) (4) Rancho Alto Area (Approximately 83 acres in Travis County south of Frate Barker Road approximately three-tenths of a mile west of the intersection of Frate Barker Road and Manchaca Road.); (5) Lowe's at Brodie Area (Approximately 35 acres in Travis County west of Brodie Lane approximately three-tenths of a mile north of the intersection of Brodie Lane and William Cannon Drive.) (Suggested dates and times: October 20, 2005 at 6:00 p.m., and October 27, 2005 at 6:00.p.m., City Hall Council Chambers, 301 W. 2<sup>nd</sup> Street).
61. Set a public hearing for the limited purpose annexation of the Scarbrough Subdivision area (Approximately 46 acres located in Travis County west of the intersection of IH-35 North and Three Points Drive between Bratton Lane and IH-35 North). (Suggested dates and times: October 20, 2005 at 6:00 p.m., and October 27, 2005 at 6:00.p.m., City Hall Council Chambers, 301 West 2nd Street).
62. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) between a restaurant at 1123 S. Congress and a school located at 1102 S. Congress. (Suggested date and time: October 20, 2005 at 6:00 p.m.)

**12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL**

Beryl D. Southall - Sites for Grief and Bereavement Support Groups

Leeza Hair - Fire Dept. Hiring Practices

Lawrence Cranberg - Texas Institute of Urban Studies

Matthew Manninen - 12th Street Corridor

Erika Gonzalez - We invite you to el Festival De las Plantas on Saturday Oct. 15, 2005 from 9am to 4pm at the Roy Guerrero Colorado River Park

Susana Almanza - Critical Housing Crisis in East Austin Due to Gentrification and Unfair Tax Burden!

Jeff Trigger - Presentation of International Downtown Assoc. "Merit Award for Planning" to the City of Austin

Richard Halpin - City Investment in Energy: Solar & People

Becky Halpin - City Investment in Energy: Solar & People

Leonard O. Mann - 12th Street Townhouse

**EXECUTIVE SESSION (No Public Discussion On These Items)****Private Consultation with Attorney - Section 551.071**

63. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 51)
  
64. Discuss legal issues in Cause No. A-05-CA-287-SS; *Jessie Lee Owens, Jr., Deceased, by Barbara Shorts, Mother and Representative of Estate and Jessie Lee Owens, Sr., Father v. City of Austin, Stan Knee as Chief of Police, Officer Scott Glasgow, In Their Official and Individual Capacities*, in the United States District Court, Western District, Austin Division and the outside counsel contract with Travis Williamson & Associates. (concerns alleged deadly force) (Related Item 12)

65. Discuss legal issues in Cause No. GN201624; *Jeff White v. City of Austin*; in the 126<sup>th</sup> Judicial District, Travis County, Texas. (concerns alleged retaliation against an Austin Police Department Officer) (Related Item 68)
66. Discuss legal issues in *Roark & Hardee L.P. d/b/a The Warehouse Saloon and Billiards, et al. v. City of Austin*; Cause No. GN 503352; in the 98<sup>th</sup> Judicial District, Travis County, Texas. (concerns the new smoking ban in Austin)
67. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

#### **Action on Executive Session**

68. Approve a settlement agreement in Cause No. GN201624; *Jeff White v. City of Austin*; in the 126<sup>th</sup> Judicial District, Travis County, Texas. (concerns alleged retaliation against an Austin Police Department Officer)(Related Item 65)

#### **2:00 PM BRIEFINGS**

69. Presentation on the implementation status of Austin City Council Resolutions and Environmental Board Resolutions pertaining to Air Quality, and the status of local air quality planning efforts.

#### **3:00 P.M. BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING**

**FINANCE CORPORATION. The Mayor will recess the City Council meeting. A Board meeting of Austin Housing Finance Corporation (AHFC) will be conducted. The AHFC Board may go into a closed session on any item on the AHFC agenda under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, or for other reasons permitted by law as specifically listed on this agenda. Following adjournment of the AHFC Board meeting the City Council will re-convene.**

- AHFC- 1      Approve the minutes of the August 4, 2005 Board meeting of the Austin Housing Finance Corporation.

- AHFC- 2      Approve a resolution approving the Fiscal Year 2005-2006 Austin Housing Finance Corporation Grant Operating Budget in the amount of \$13,811,744 and Housing Assistance Fund Budget in the amount of \$1,370,753 for a total budget of \$15,182,497, directing staff to develop program guidelines for the named housing programs for Fiscal Year 2005-2006; and establishing administrative approval limits for the General Manager. (The sources to fund the annual AHFC budgets include: (1) Grant Operating Budget-New Funding - \$1,143,229 from the Housing Trust Fund; \$37,824 from the City UNO-Housing Trust Fund; \$830,474 from the City S.M.A.R.T. Housing™ Capital Improvement Project Fund; \$2,654,684 from HUD HOME Program Income; \$806,259 from the HUD Community Development Block Grant revolving fund; \$2,472,433 from the HUD Community Development Block Grant; \$204,041 from the HUD American Dream Down Payment Initiative; and \$4,074,354 from the HUD HOME Investment Partnership Program, (2) Grant Operating Budget-Carryforward Funding - \$433,912 from the S.M.A.R.T. Housing™ Capital Improvement Project Fund; and \$1,154,534 from the HUD Community Development Block Grant, and (3) the AHFC Housing Assistance Fund - \$1,370,753.)
- AHFC- 3      Authorize the negotiation and execution of a one-year service agreement with the City in an amount not to exceed \$15,182,497 to fund the Corporation's management and operation of various City housing programs in Fiscal Year 2005-2006, including Tenant Based Rental Assistance, Rental Housing Development Assistance, Architectural Barrier Removal-Rental, Homebuyer Lending Assistance, Acquisition and Development, Architectural Barrier Removal-Homeowner, Emergency Home Repair, Homeowner Moderate Rehabilitation, and the Material Grants Program. (Funding sources for the service agreement include: (1) Grant Operating Budget-New Funding - \$1,143,229 from the Housing Trust Fund; \$37,824 from the City UNO-Housing Trust Fund; \$830,474 from the City S.M.A.R.T. Housing™ Capital Improvement Project Fund; \$2,654,684 from HUD HOME Program Income; \$806,259 from the HUD Community Development Block Grant revolving fund; \$2,472,433 from the HUD Community Development Block Grant; \$204,041 from the HUD American Dream Down Payment Initiative; and \$4,074,354 from the HUD HOME Investment Partnership Program, (2) Grant Operating Budget-Carryforward Funding - \$433,912 from the S.M.A.R.T. Housing™ Capital Improvement Project Fund; and \$1,154,534 from the HUD Community Development Block Grant, and (3) the AHFC Housing Assistance Fund - \$1,370,753. Funding is subject to environmental review and fund release.) (Related Item 15)

- AHFC- 4      Approve the negotiation and execution of a \$2,000,000 line of credit from WELLS FARGO BANK OF TEXAS, NA, to provide interim financing to develop infrastructure improvements to land owned by the corporation and to construct affordable housing units for sale to families earning less than 80 percent of the Austin median family income.
- AHFC- 5      Approve the negotiation and execution of a loan to the BLACKLAND COMMUNITY DEVELOPMENT CORPORATION, Austin, TX, in compliance with applicable federal regulations, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Rental Housing Development Assistance Program in an amount not to exceed \$152,180 to rehabilitate five rental housing units located in the Blackland neighborhood at 2008 A&B Chicon, 2012 A&B Chicon, and 2201 Salina Street. (Funding is available in the Fiscal Year 2004-2005 Austin Housing Finance Corporation budget allocation under the Rental Housing Development Assistance Program. Loan proceeds will consist of \$5,000 in HOME-Community Housing Development Organization funds, and \$147,180 in Community Development Block Grant funds.)
- AHFC- 6      Approve the negotiation and execution of four 12-month price agreements in a combined total amount not to exceed \$1,000,000 with GATZMEYER CONSTRUCTION, Austin, TX, RIATA ENTERPRISE, Austin, TX, ON CALL MANAGEMENT, Austin, TX, and SUNSTRIP, INC., Austin, TX, and two 12-month extension periods in a combined total amount not to exceed \$1,000,000 for each extension period for architectural barrier removal services for homes of persons with disabilities and elderly persons under the Architectural Barrier Removal Program. (Funding is available in Community Development Block Grant (CDBG) funds Year 29, 30 and 31 allocated in the Fiscal Year 2005-2006 budget of the Austin Housing Finance Corporation, and anticipated in CDBG grant fund Year 32 and 33 to be allocated in Fiscal Year 2006-2007, and 2007-2008 budgets of the Austin Housing Finance Corporation, subject to U.S. Department of Housing & Urban Development environmental review and fund release.)

**4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS****Zoning Ordinances / Restrictive Covenants**

70. C14-05-0015 - Jelson Commercial Development - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. First reading approved on April 14, 2005. At first reading the City Council approved neighborhood commercial (LR) district zoning. Vote: 7-0. Second Reading approved on September 1, 2005. Vote: 7-0. At second reading the City Council approved general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Convict Hill Development, L.L.C. (William K. Reagan, II). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.
71. C14-05-0048 - Palm Harbor Round Rock Sales Office - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15996 N. Interstate 35 Service Road Southbound (Gilleland Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved August 25, 2005. Vote: 7-0. Applicant: Palm Harbor Homes (Greg Vaughn). Agent: The Moore Group, Inc. (Ed Moore). City Staff: Sherri Sirwaitis, 974-3057.
72. C14-05-0064 - Parmer Meadows - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12509 North Lamar Boulevard (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Continental I-35 Fund Limited Partnership (Daniel J. Minahan). Agent: Doucet and Associates (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.

73. C14-04-0196 - Hyde Park North NCCD (4505 Duval) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and community commercial (GR) district zoning to community commercial-mixed use-neighborhood combining conservation district-neighborhood plan (GR-MU-NCCD-NP) combining district zoning. First reading approved on August 18, 2005. Vote: 6-0 (McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
74. C14H-04-0015 – Gregg House. Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 E. 12th Street from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
75. C14H-04-0020 – James and Mary Owens House. Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1809 E. 13th Street from commercial services-neighborhood plan (CS-NP) combining district zoning to commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning. First reading approved December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
76. C14-04-0150 - Manchaca Mixed Use, Tract 1 (formerly known as Neighbor's Stop & Go) - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. On May 12, 2005, the City Council approved limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning as amended by the applicant. Vote: 7-0. Applicant: Anthony R. Bertucci. Agent: McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. (Related Item Z-4)

**Neighborhood Plans - Hearings and Approval**

- Z- 1            NP-05-0022 - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Greater South River City Combined Neighborhood Plan for the area bounded by Town Lake on the north, IH-35 on the east, Ben White Boulevard on the south and South Congress Avenue on the west. (Recommended by Planning Commission) (Related Items Z-2, Z-3)

**Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances  
/ Restrictive Covenants**

Z- 2 C14-05-0138 – Greater South River City Combined Neighborhood Plan (St. Edward's neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the St. Edward's Neighborhood, bounded on the north by E. Oltorf St., on the south by Ben White Blvd., on the west by S. Congress Ave. and on the east by IH-35. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed St. Edward's NP, "Small Lot Amnesty," "Secondary Apartment," "Front Porch Setback," "Garage Placement," "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" are proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 102-105. The Neighborhood Urban Center special use is proposed for Tract 101. The City Council may approve a base district zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; General Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; or Neighborhood Conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant the requested zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. (Related Items Z-1, Z-3)

- Z- 3            C14-05-0139 - South River City Neighborhood Planning Area Rezoning  
- Boundaries: Town Lake on the north; IH-35 on the east; Oltorf Street on the south; South Congress Avenue on the west. (Blunn Creek; East Boulding Creek; Harpers Branch & Town Lake Watershed). The proposed zoning change will create a neighborhood plan combining district (NPCD) covering the entire area. Under the proposed South River City NPCD, small lot amnesty, secondary apartment, garage placement, impervious cover and parking placement restrictions” and prohibiting parking in the front yard zoning regulations are proposed for the Travis Heights-Swisher Subdistrict. The Travis Heights Subdistrict is generally bounded by Town Lake on the north, IH-35 on the east, Oltorf Street on the south, South Congress Avenue on the west & excluding the Fairview Park Subdistrict which is generally bounded by Riverside Drive and Music Lane on the north, Sunset Lane on the east, Monroe Street on the south and South Congress Avenue on the west. The neighborhood mixed-use building special use is being proposed for tracts 4-8, 11-14, 17, 28 & 29a&b. The neighborhood urban center special use is being proposed for tract 18. Planning Commission Recommendation: Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685 & Sherri Sirwaitis, 974-3057. (Related Items Z-1, Z-2)
- Z- 4            C14-04-0150 - Manchaca Mixed Use - Tract 2 (formerly known as Neighbor's Stop & Go) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Anthony R. Bertucci. Agent: McCarroll, L.L.P. (Annick Beaudet). City Staff: Wendy Walsh, 974-7719. (Related Item 76)
- Z- 5            C14-05-0106.01 - West Congress Neighborhood Plan Rezoning, Tract 2B  
- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

- Z- 6            C14-05-0106.02 - West Congress Neighborhood Plan Rezoning, Tract B  
- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 414 West Stassney Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
- Z- 7            C14-05-0107.01 - East Congress Neighborhood Plan Rezoning, Tract A -  
Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Industrial Boulevard; 908-932 East St. Elmo Road; 4100-4336 Santiago Street, from limited industrial-neighborhood plan (LI-NP) combining district zoning; general commercial services--neighborhood plan (CS-NP) combining district zoning to limited industrial-planned development agreement-neighborhood plan (LI-PDA-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
- Z- 8            C14-05-0097 - Asian Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 W. Braker Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to modify a condition of zoning, with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning (to change a condition of zoning) with conditions. Applicant: Minh-Duc-Lu. Agent: Mike Wilson. City Staff: Jorge Rousselin, 974-2975.

- Z- 9            C14H-05-0011 – Edgar von Boeckmann House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4401 Avenue H from family residence-neighborhood conservation (SF-3-NCCD) combining district zoning to family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: Pending. Applicants: Judge Robert Lee Pitman and David Christian Smith. City Staff: Steve Sadowsky, 974-6454.
- Z- 10            C14-05-0119 - P.C.W. Construction Equipment & Sales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10704 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: P.C.W., Inc. (Rolando Jaimés). Agent: DST Realty (Maggie Trevino). City Staff: Wendy Walsh, 974-7719.
- Z- 11            C14-04-0211 - Onion Creek RV - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10815 Bradshaw Road (Rinard Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Hector Aguirre. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
- Z- 12            C14-05-0088 - Oak Hill Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7212 State Highway 71 West (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Midbar Investment Co., L.L.C.. (Claire Brooks). City Staff: Robert Heil, 974-2330.

- Z- 13            C14-05-0109 - Park Place at Anderson Mill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9707 Anderson Mill Road (Bull Creek Watershed) from townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Equity Secured Capital (Vince DiMare). Agent: Ash Creek Homes, Inc. (Scott Morledge). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 14            C14-05-0104 - Smith 1.2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11912-B North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: Clay Chip Smith. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 15            C14-05-0086 - McNeil House Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6280 McNeil Drive (Walnut Creek Watershed) from rural residence (I-RR) district zoning to multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density (MF-2) district zoning. Applicant: Union Creek Partners, L.P. (Danuel R. Stanger, General Partner); Allara Family Living Revocable Trust (Raymond J. Allara & Janet Allara, Trustees). Agent: Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Sherri Sirwaitis, 974-3057.

- Z- 16            C14-05-0100 - Lake Creek Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10101-10113 Lake Creek Parkway (Lake Creek Watershed) from limited office (LO) and single-family residence (SF-2) district zoning for Tract 1; limited office-conditional overlay (LO-CO) combining district zoning for Tract 2; and limited office-conditional overlay (LO-CO) combining district zoning and rural residence (I-RR) district zoning for Tract 3 to limited office (LO) district zoning for Tract 1; townhouse and condominium residence (SF-6) district zoning for Tract 2; and single-family residence-small lot (SF-4A) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning for Tract 1; limited office-conditional overlay (LO-CO) combining district zoning for Tract 2; and single-family residence-small lot (SF-4A) district zoning for Tract 3. Applicant: Ardennes, L.P. by CGA Ardennes GP, LLC (David E. Castilla & Paula Vangrieken). Agent: Armbrust & Brown (Richard T. Suttle). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 17            C14-05-0103 - 3500 Jefferson Unit 101 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3500 Jefferson Street, Unit 101 (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning subject to conditions. Applicant: Live Oak Development, Inc. (Daniel W. Herd). Agent: Joe Wyman. City Staff: Jorge Rousselin, 974-2975.
- Z- 18            C14-79-151 (RCT) - Z-Lofts Subdivision - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 2919 Martin Luther King Jr. Blvd. East (Boggy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Marbella Development. Agent: Jan Davis. City Staff: Robert Heil, 974-2330.
- Z- 19            NPA-05-0014.01 - Freidrich Lane - Conduct a public hearing and approve an ordinance to amend the Southeast Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from commercial mixed-use land use designation to industrial land use designation for 5200 Freidrich Lane. Planning Commission Recommendation: To grant industrial land use designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Kathleen Welder, 974-2856. (Related Item Z-20)

- Z- 20            C14-05-0081 - Freidrich Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5200 Freidrich Lane (Williamson Creek Watershed) from neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning to limited industrial services-neighborhood plan (LI-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial services-neighborhood plan (LI-NP) combining district zoning. Applicant: Rick Park, Inc. (John H. Biggar). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. (Related Item Z-19)
- Z- 21            C14-04-0196 - Hyde Park North NCCD (609 Fairfield) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 Fairfield (Waller Creek Watershed) from family residence (SF-3) district zoning to single-family residence-standard lot-neighborhood conservation combining district-neighborhood plan (SF-2-NCCD-NP) combining district zoning and family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be considered on September 27, 2005. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
- Z- 22            C14-05-0044 - Cella 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10933 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single-family residence standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Cella Investment Group (Terry Gregoricka). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
- Z- 23            C14-05-0042 - 11601 North Lamar Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11601 North Lamar Blvd. (Walnut Creek Suburban Watershed) from interim rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Steven Tong. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Jerry Rusthoven, 974-3207.

- Z- 24            C14-05-0050 - The Millican House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1610 West Avenue (Shoal Creek Watershed) from limited office-historic (LO-H) combining district zoning to general office-historic (GO-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny general office-historic (GO-H) combining district zoning. Applicant: Paul Flashner. Agent: Leasing Concierge (Susan Minter). City Staff: Jorge Rousselin, 974-2975.
- Z- 25            C14-05-0034.SH - Peaceful Hill Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (South Boggy Creek & Onion Creek Watersheds) from townhouse and condominium residence (SF-6) district zoning, warehouse-limited office (W/LO) district zoning, limited industrial (LI) district zoning and development reserve (DR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-small lot (SF-4A) district zoning. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this zoning change request.

### **5:30 P.M. LIVE MUSIC AND PROCLAMATIONS**

#### **LIVE MUSIC**

Austin Lyric Opera

**PROCLAMATIONS**

Proclamation - COA Combined Charities Campaign Kick-Off - to be presented by Mayor Will Wynn and to be accepted by Campaign Chair

Proclamation - Arbor Day - to be presented by Mayor Will Wynn and to be accepted by Jay Culver

Proclamation - Mental Health Month - to be presented by Mayor Will Wynn and to be accepted by Beverly Scarborough

Proclamation - Austin Organic Gardeners 60th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Venkappa Gani

**6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION****Austin Water Utility**

77. Conduct a public hearing and adopt an ordinance amending Sections 25-9-33 (d), 25-4-195, and 30-2-195 of the Austin City Code relating to water and wastewater service extension requests by modifying the requirements concerning annexation requests. (Recommended by Water and Wastewater Commission)

**Public Works**

78. Conduct a public hearing and adopt a resolution authorizing the use of approximately 1.36 acres (57,707 square feet) for two sedimentation/filtration ponds, along with an approximately 3-acre (130,680 square feet) temporary working space area use agreement to allow for the construction of the ponds through dedicated parkland known as Zilker Park located on Barton Hills Drive in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the construction of the ponds, as well as any park restoration, will be paid by the Watershed Protection and Development Review Department.) (Recommended by the Parks Board.)

**Watershed Protection and Development Review**

79. Conduct a public hearing and approve an ordinance amending City Code Sections 30-1-93, 30-1-131, 30-2-40 and 30-2-56, relating to the City / Travis County single office for subdivision regulation; the amendments conform to the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County and are in accordance with the requirements of Chapter 242 of the Texas Local Government Code. (Recommended by Planning Commission.)

**ADJOURN**

**THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

**A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.**

**Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar en la sesión del Consejo.**

Council Meetings

January 13, 2005  
January 27, 2005

February 3, 2005  
February 10, 2005  
February 17, 2005

March 3, 2005  
March 10, 2005  
March 24, 2005

April 7, 2005  
April 14, 2005  
April 28, 2005

May 12, 2005  
May 19, 2005  
May 26, 2005

June 9, 2005  
June 23, 2005

July 28, 2005

August 4, 2005  
August 18, 2005  
August 25, 2005

September 1, 2005  
September 12,13,14  
(Budget Readings)  
September 29, 2005

October 6, 2005  
October 20, 2005  
October 27, 2005

November 3, 2005  
November 17, 2005

December 1, 2005  
December 15, 2005

Cancelled Meetings

January 6, 2005

January 20, 2005

February 24, 2005

March 17, 2005  
March 31, 2005

April 21, 2005

May 5, 2005

June 2, 2005  
June 16, 2005  
June 30, 2005

July 7, 2005  
July 14, 2005  
July 21, 2005

August 11, 2005

September 8, 2005

September 15, 2005  
September 22, 2005

October 13, 2005

November 10, 2005  
November 24, 2005

December 8, 2005  
December 22, 2005  
December 29, 2005